

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

SHAWN MCBREAIRTY,

Plaintiff,

v.

SCHOOL BOARD OF RSU22; HEATH
MILLER, in his personal and official
capacities

Defendants.

Case No. _____

**VERIFIED COMPLAINT 42 U.S.C § 1983
COMPLAINT FOR DECLARATORY,
INJUNCTIVE RELIEF, AND DAMAGES**

JURY TRIAL DEMAND

This is a Civil Action brought by Plaintiff Shawn McBreairty against Defendants School Board of RSU22 and Heath Miller. Mr. McBreairty brings a claim under 42 U.S.C. § 1983 for Defendant's violation of Mr. McBreairty's First Amendment and Due Process rights, and alleges as follows:

THE PARTIES

1. Plaintiff Shawn McBreairty is an educational advocate and journalist who resides in Hampden, Maine.
2. Defendant Heath Miller, Chair of the RSU22 School Board is a resident of Newburgh, Maine.
3. Defendant Regional School Unit 22 ("RSU22") School Board is a school committee organized pursuant to 20-A M.R.S. § 1001 that exercises control and management of RSU22 public schools.
4. The corporate or municipal structure of RSU22 is not fully known at this time, and this complaint will be amended should RSU22 be the improper or incomplete party.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this civil action per 28 U.S.C. § 1331 as this is a civil action arising under 42 U.S.C. § 1983 and the First and Fourteenth Amendments to the U.S. Constitution. Personal jurisdiction and venue should be obvious.

FACTUAL BACKGROUND

RSU22 School Board Meeting – October 20, 2021

6. Plaintiff Shawn McBreairty appeared at a public meeting, before Defendant Heath Miller, Chair of Defendant RSU22 School Board on October 20, 2021 where he quoted passages from books available in RSU22 government run school libraries. See **Exhibit A**.¹

7. Defendants allow 3 minutes of virtually unrestricted public comment at school board meetings.

8. Mr. McBreairty was not stopped from speaking about the books available in the government run school libraries and quoting from the books, including their highly sexualized language.

9. Mr. McBreairty read the following passage from a book titled *It's Perfectly Normal* and informed the RSU22 School Board that the book contains illustrations of sexual positions. This book was available at Weatherbee Elementary School and Reeds Brook Middle School:

“Masturbation is perfectly normal. A girl often rubs her clitoris. The boy his penis. A female’s vagina becomes moist and slippery. The male’s penis becomes erect and the moisture from the vagina makes it easier to go in.”

10. Mr. McBreairty read the following passage about a father raping his daughter from

¹ Shawn McBreairty, *RSU22 Kelsey Stoyanova’s Reeds Three book list – School Board Public Comment – Hampden, ME 10/20/21*, YouTube, (October 20, 2021), <https://www.youtube.com/watch?v=wBNlUkDf5c0>.

a book titled *The Bluest Eye* that was available in RSU22's Reeds Brook Elementary School's library to middle school students:

"A bolt of desire ran down his genitals and softening the lips of his anus. He wanted to fuck her tenderly. The tightness of her vagina was more than he could bear. Removing himself from her was so painful to him that he ... snatched his genitals out of the dry harbor of her vagina."

Nationally Televised Interview

11. In November 2021, Mr. McBreairty appeared on a nationally televised news show, viewed by over 2 million viewers, where he informed the public about books available in the RSU22 government run school system. Four months after the news program and meeting with an RSU22 principal, the book *It's Perfectly Normal* was removed from Weatherbee Elementary School's library.

RSU22 School Board Meeting – November 18, 2021

12. On November 18, 2021, Mr. McBreairty made public comment at the RSU22 School Board meeting. See Exhibit B.² During his public comment, Mr. McBreairty asked Defendant Miller to resign for failing to address his concerns about materials he felt were pornographic available in RSU22 government run school libraries.

13. Mr. McBreairty also addressed his concerns about the failing grades on the 2018/2019 Maine Department of Education's latest MDOE assessments on Hampden Academy High School, in which 62% of students were BELOW or WELL BELOW State Assessments in math. 38% BELOW, or WELL BELOW in English and 48% BELOW or WELL BELOW in Science.

² Shawn McBreairty, *The cluster that is RSU22, Hampden, ME*, YouTube, (November 18, 2021), <https://www.youtube.com/watch?v=3122qdZbxGo&t=4s>.

14. Mr. McBreairty was not stopped from speaking during his available 3 minutes for public comment.

FOAA Request

15. On December 3, 2021, Mr. McBreairty received information through a Freedom of Access Act (FOAA) request that Reeds Brook Middle School was incentivizing students with daily announcements to read hypersexualized books from Kelsey Stoyanova's 'Reeds Three Reading Challenge' and win prizes.

RSU22 School Board Meeting – December 15, 2021

16. On December 15, 2021, Mr. McBreairty made public comment at the RSU22 School Board meeting. See Exhibit C.³ During his public comment, Mr. McBreairty raised his concerns about the books available in the RSU22 government run school libraries and then recommended a book called *Johnny the Walrus*.

17. Mr. McBreairty was abruptly stopped from speaking during his available 3 minutes for public comment. As Mr. McBreairty began to read from the book, Defendant Miller stated that "This is an activity ... reading from a book is an activity..." and did not allow Plaintiff to continue reading from the book during his 3 minutes of public comment.

RSU22 School Board Meeting – January 19, 2022

18. On January 19, 2022, Mr. McBreairty made public comment at the RSU22 School Board meeting. See Exhibit D.⁴ During public comment, Mr. McBreairty raised his concerns about the teaching of Critical Race Theory ("CRT") in RSU22 government run schools, provided

³ Shawn McBreairty, *RSU22 bigger than 1A? Johnny The Walrus reading*, YouTube, (December 22, 2021), <https://www.youtube.com/watch?v=I-4LOY0SpPY&t=29s>.

⁴ Shawn McBreairty, *RSU22 Superintendent – Ignorant on CRT, or a liar?*, YouTube, (January 19, 2021), <https://www.youtube.com/watch?v=Y6t2Tr0yLdY&t=58s>.

examples of CRT taught in RSU22 government run schools, and quoted Ibram X. Kendi “Critical Race Theory informs everything I do and is foundational to my work.”

19. Mr. McBreairty was not stopped from speaking during his available 3 minutes for public comment.

RSU22 Formal Grievance – March 8, 2022

20. On March 8, 2022, Mr. McBreairty filed a formal grievance by email with Defendant Miller and Defendant RSU22 School Board pursuant to KE-E Public Concerns and Complaints policy. See **Exhibit E**. The formal grievance regarded the hyper-sexualization of minors in RSU22.

RSU22 School Board Meeting – March 16, 2022

21. On March 16, 2022, Katherine Collins, a concerned taxpayer of Winterport, ME, made public comment at the RSU22 School Board meeting. See **Exhibit F**.⁵ During her public comment, Ms. Collins addressed the hyper-sexualization of students in the RSU22 government run school system. Ms. Collins quoted from a book that is on RSU22 teacher Kelsey Stoyanova’s recommended book list titled *All Boys Aren’t Blue*, quoting the following passage from the book:

“You told me to take off my pajama pants which I did. Then you took off your shorts followed by your boxers. Then you stood in front of me fully erect and said taste it. At first, I laughed and refused but then you said come on Matt taste it. This is what boys like to do when they like each other. Finally, I listened to you. Then you got down on your knees and told me to close my eyes. That’s when you began oral sex on me as well.”

22. Ms. Collins was not stopped from speaking during her available 3 minutes for public comment.

⁵ Shawn McBreairty, *Mother addresses hyper-sexualization and grooming at RSU22 again*, YouTube, (March 16, 2022), <https://www.youtube.com/watch?v=SbIB29t0Lms>.

23. On March 16, 2022, Mr. McBreairty made public comment at the RSU22 School Board meeting. See **Exhibit G**.⁶ During his public comment, Mr. McBreairty personally submitted KE-E Public Concern and Complaint forms to Defendant Miller regarding non-age appropriate books available and promoted to students within the RSU22 government run school system.

Phone Conversation between Plaintiff Mr. McBreairty and Defendant Miller

24. On March 30, 2022, Mr. McBreairty recorded a phone conversation with Defendant Miller. During the phone conversation, Plaintiff read two testimonials from students within the RSU22 government run school system regarding their concerns with:

“...all the LGBTQ+ things being pushed at my school [Reeds Brook Middle School in RSU22, in Hampden, ME].” This student goes on to say, “Signs around my school telling me I don’t have to use my assigned gender when I can make my own up, pressuring kids that are 11 to label themselves...I am scared and anxious all the time at what is going to happen next with the constant push of sexual orientation comments. I feel I have depression and lots of anxiety because of what is happening at school.” The other student, who is 13 states, “A regular straight white, or black child doesn’t feel important because the only thing they push is LGBTQ.”

During the phone conversation, discussing the pornographic sections of several books Plaintiff had sent to Defendants via e-mail and spoken aloud in public comment, Defendant Miller stated “...to read it in that contents (sic) of the whole book, it would have a different meaning.” Defendant Miller later goes on to state, when speaking to pornography in these books, “Pornography no. There is a difference between pornography and a scene in a book. That’s why we have librarians.”

//

⁶ Shawn McBreairty, *Shawn McBreairty provides the truth to the RSU22 School Board about school porn*, YouTube, (March 16, 2022), <https://www.youtube.com/watch?v=nFCJqMjZFU8>.

Intimidation Letter

25. On April 8, 2022, the law firm Rudman Winchell, on behalf of Defendants, sent an intimidation letter to Mr. McBreairty stating generally that he was purportedly in violation of reasonable conduct standards. *See* **Exhibit H** for the public comment periods of RSU22 School Board meetings and that “such behavior will not be tolerated in the future.” *Id.*

RSU22 School Board Policies

26. RSU22 Policy KEC – Public Complaints about the Curriculum or Instructions Material – states that “It is therefore the policy of the [RSU22 School] Board to require the materials selection for our schools to be in accord with the following ... Books and other reading materials shall be chosen for values of interest and enlightenment[.]” *See* **Exhibit I**.

27. RSU22 Policy IJJ – Instructional and Library Materials Selection – states that “The final decision on purchase [of instructional materials, library materials and textbooks] shall rest with the Superintendent of Schools or his/her designee.”

28. RSU22 School Board Policy IJJ-R – Instructional and Library Materials Selection – provides the following formal process to challenge library materials. *See* **Exhibit J**.

a. The complainant must first meet with school staff to discuss the school’s selection procedure, criteria, and the qualifications of the school staff selecting the material; along with discussing the particular place the material occupies in the education program, its intended educational usefulness, and additional information regarding its use.

b. If the problem cannot be resolved during the conference, then the complainant should submit formal written objections on an IJJ-E – Request for Reconsideration of Materials – form. *See* **Exhibit K**.

c. After submission of the IJJE form, the Superintendent appoints a committee to review the complaint and shall render its decision within thirty (30) days of the receipt of the written objection.

**Meeting with School Staff from Hampden Academy
and Formal Written Objections – April 14, 2022**

29. On April 14, 2022, Mr. McBreairty and Ms. Collins met with RSU22 Hampden Academy Principal Bill Tracy and librarian Leslie Rosenblatt to discuss library book policies, the pornographic nature of books within the library, and the submission of IJJ-E forms.

30. Plaintiff concluded that there was little, if any, controls and checks in place to review and sign off on books entering the libraries and zero control over individual teachers bringing books into their classrooms as the school staff was unaware of RSU22 policy IJJ and was not reviewing books entering RSU22 Hampden Academy. Principal Billy Tracy verbally attempted to justify the pornographic books available in the school library, including *The Bluest Eye*, the book that includes a scene about a father raping his daughter referenced in ¶ 8, *supra*.

31. Pursuant to RSU22 IJJ-R policy, if there is no resolution between complainant and school staff, then the complaint is referred to the superintendent who appoints a committee. The policy states, “The evaluating committee shall render its decision within (30) days of the receipt of the written objection.”

**Meeting with School Staff from Reeds Brook Middle School and Weatherbee
Elementary School and Formal Written Objections – April 15, 2022**

32. On April 15th, 2022, Mr. McBreairty and Ms. Collins met with RSU22 Reeds Brook Middle School Principals Susan Thibedeau and RSU22 Weatherbee Elementary School Principal Jennifer Cyr to discuss books that were submitted on March 16th, 2022.

33. Principal Thibedeau stated there is no process to monitor books being brought into Reed Brooks Middle School Middle School and that she has no authority over reading lists provided by teachers to students.

34. Thibedeau stated that the Reeds Three book list was owned by the Equity in Education Committee. This was later rejected by the Equity in Education Chair, Tania Jean-Jacques as she stated in an April 25, 2022 e-mail to the Defendant that, “No, I do not own any RSU22 book list.” Thibedeau is Kelsey Stoyanova’s immediate supervisor who should provide direction to remove books that are age-inappropriate from the RSU22 Reeds Three book list.

RSU22 School Board Meeting – April 27, 2022

35. On April 27, 2022, Ms. Collins made public comment at the RSU22 School Board meeting. See Exhibit L.⁷ During her public comment, Ms. Collins addressed the hyper-sexualization of students in RSU22 government run school system. Ms. Collins used the word “sodomy” in her public comment.

36. Ms. Collins was not stopped from speaking during her available 3 minutes for public comment.

37. On April 27, 2022, Mr. McBreairty made public comment at the RSU22 School Board meeting. See Exhibit M.⁸ During his public comment, Mr. McBreairty began playing the recording between Defendant Miller and himself from the phone call on March 30, 2022 referenced in ¶ 21.

a. As soon audio recording began, Defendant Miller interrupted, stating that “playing of a video or a recording is not permitted per our policy.”

⁷ Shawn McBreairty, *RSU22 is sexually neurotic – Kids are now scrambled eggs*, YouTube, (May 19, 2022), <https://www.youtube.com/watch?v=4SUfXvyG700>.

⁸ Shawn McBreairty, *Porn is ok in the school as long as it's in context of a book – First Amendment rights are violated*, YouTube, (April 27, 2022), <https://www.youtube.com/watch?v=pZG161f3mX4>.

b. In the audio recording, Mr. McBreairty asks Defendant Miller, “are you okay with hardcore anal books that are on her list ... hardcore anal sex books.”

c. Defendant Miller spoke over the audio recording, stating “this is vulgarity, it is not part of our policy.” He repeated, “you are talking about vulgarity that is not part of our policy.” Defendant Miller continued, “I’ve asked you to sit down, if you don’t sit down, I am going to ask you to leave the premises.” The RSU22 School Board then took a recess and asked Plaintiff to leave the premises. Mr. McBreairty complied peacefully.

38. Mr. McBreairty was prevented from using his available 3 minutes for public comment and asked to leave the premises.

39. Defendant Miller used the pretext of “playing a recording” and then “vulgarity and obscenity” to prevent Mr. McBreairty from exercising his constitutional rights to free speech and to petition to the government at the meeting.

40. Defendant Miller claimed that playing a recording is a violation of RSU22 BEDH – Public Participation at Board Meetings – policy. There is no prohibition of playing audio recordings under RSU22 BEDH policy. Further, there is no prohibition against reading from library books during RSU22 School Board meetings.

41. Defendant Miller was seeking reelection to the RSU22 School Board on June 14, 2022, and was motivated to prevent Plaintiff from playing the audio recording and preventing Mr. McBreairty from attending any more RSU22 School Board meetings so that the public would not hear information calling his character into question.

//

//

RSU22 School Ban Letter

42. On May 4, 2022, the law firm Rudman Winchell, on behalf of Defendants, sent a letter to Mr. McBreairty informing him that he was “temporarily prohibited from entering RSU 22 property for purposes of attending any RSU 22 school-related meeting or function in-person, or participating in any RSU 22 school-related meeting or function in-person, or participating in any RSU 22 school-related meeting or function held electronically via video or audio . . . until December 31, 2022.” See Exhibit N. This includes all school property, including any performances, community events and sporting events open to the public.

43. The letter further states the reason Mr. McBreairty is barred from RSU22 is “blatant and repeated failure to comply with reasonable RSU 22 policies regarding meeting attendance.” According to the letter, the audio recording Mr. McBreairty played contained “patently obscene and vulgar language” and Defendant Miller “exercised his discretion” to call Mr. McBreairty “out of order and ask him to stop the presentation and take a seat.” Further, the letter continues, “[t]his prohibition is not based on any viewpoint expressed by Mr. McBreairty; rather, it is based on his use of *truly obscene speech and his willful violation* of School Board policies over an extended period of time.”

44. RSU22 property includes such a broad spectrum of activities and venues that Mr. McBreairty is in effect largely barred from participation in public life in his home town. For example, he can not even attend a high school football game at his alma mater.

RSU22 School Board Meeting – June 15, 2022

45. On June 13, 2022, Mr. McBreairty met with Director of Public Safety Christian D. Bailey and the Town Manager Paula Scott regarding the letter banning him from RSU22 property.

Mr. McBreairty notified Director Bailey and Town Manager Scott that he would attend the June 15, 2022 School Board meeting. McBreairty Decl. ¶ 2.

46. One June 15, 2022, Mr. McBreairty attempted to attend the RSU22 School Board meeting. Upon arrival at the meeting, Mr. McBreairty was issued a Criminal Trespass Notice from Hampden Police Department informing him that he is forbidden to enter “All RSU22 buildings and grounds.” See **Exhibit O**.

47. On July 7, 2022, Mr. McBreairty was issued a second Criminal Trespass Notice from Hampden Police Department stating that “Mr. McBreairty is prohibited from entering RSU22 property for the purpose of attending any RSU22 School related meeting or functions in person or participating in any RSU22 function held electronically on video or audio.” See **Exhibit P**.

CLAIMS FOR RELIEF

Count I

Violation of the First Amendment to the United States Constitution

(42 U.S.C. 1983 – First Amendment)

48. Plaintiff hereby repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.

49. Plaintiff alleges that Defendants’ conduct of issuing a Criminal Trespass Notice forbidding him from entering RSU22 property or attending RSU22 meetings until December 31, 2022 due to his constitutionally protected petitioning activity is unconstitutional and violates his First Amendment rights to freedom of speech and expression, and freedom of petition.

50. Plaintiff alleges that Defendants’ conduct of enforcing the unconstitutional Criminal Trespass Notice is unconstitutional and violates his First Amendment rights to freedom of speech and expression, and freedom of petition.

51. Defendants retaliated against Mr. McBreaity's for exercising his First Amendment rights to freedom of speech and expression, and freedom of petition.

52. It is clearly established that there is a First Amendment right to petition the government.

53. Defendants' restriction on Plaintiff's speech is content-based and viewpoint discriminatory and is in violation of the Free Speech Clause of the First Amendment and the Right to Petition the Government of the First Amendment.

54. Plaintiff has been injured, or reasonably fears imminent injury, by these constitutional violations, and Plaintiff is entitled to relief.

Count II

Violation of the Article I Section 4 and Section 15 of the Maine Constitution (5 M.R.S. § 4682 Free Speech and Right to Petition)

55. Plaintiff hereby repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.

56. Defendants' conduct of issuing a Criminal Trespass Notice forbidding him from entering all RSU22 buildings and grounds until December 31, 2022 due to his constitutionally protected speech and petitioning activity is unconstitutional and violates his rights under Article I, Sections 4 and 15 of the Maine Constitution.

57. Defendants' conduct of enforcing the Criminal Trespass Notice is unconstitutional and violates his rights under Article I, Sections 4 and 15 of the Maine Constitution.

58. Plaintiff has been injured, or reasonably fears imminent injury, by these constitutional violations, and Plaintiff is entitled to relief.

//

//

Count III

Violation of the Fourteenth Amendment to the United States Constitution

(42 U.S.C. 1983 – Substantive Due Process)

59. Plaintiff hereby repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.

60. Defendants' conduct of issuing a Criminal Trespass Notice forbidding him from entering all RSU22 buildings and grounds until December 31, 2022 due to his constitutionally protected petitioning activity is unconstitutional and violates his rights to due process of law under the Fourteenth Amendment.

61. Defendants' conduct of enforcing the Criminal Trespass Notice is unconstitutional and violates his due process rights under the Fourteenth Amendment.

62. Plaintiff has been injured, or reasonably fears imminent injury, by these constitutional violations, and Plaintiff is entitled to relief.

Count IV

Violation of Article I, Section 6-A of the Maine Constitution

(5 M.R.S. § 4682 – Substantive Due Process)

63. Plaintiff hereby repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.

64. Defendants' conduct of issuing a Criminal Trespass Notice forbidding him from entering all RSU22 buildings and grounds until December 31, 2022 due to his constitutionally protected petitioning activity is unconstitutional and violates his rights to due process under Article I, Section 6-A of the Maine Constitution.

65. Defendants' conduct of enforcing the Criminal Trespass Notice is unconstitutional and violates his due process rights under Article I, Section 6-A of the Maine Constitution.

66. Plaintiff has been injured, or reasonably fears imminent injury, by these constitutional violations, and Plaintiff is entitled to relief.

Count V

**Violation of the Fourteenth Amendment to the United States Constitution
(42 U.S.C. 1983 – Procedural Due Process)**

67. Plaintiff hereby repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.

68. Defendants' conduct of causing law enforcement to issue a Criminal Trespass Notice forbidding him from entering all RSU22 buildings and grounds until December 31, 2022 due to his constitutionally protected petitioning activity is unconstitutional and violates his rights to due process of law under the Fourteenth Amendment.

69. Defendants' conduct of enforcing the Criminal Trespass Notice is unconstitutional and violates his due process rights under the Fourteenth Amendment.

70. Further, the lack of administrative review process cannot provide any possible meaningful relief.

71. Plaintiff has been injured, or reasonably fears imminent injury, by these constitutional violations, and Plaintiff is entitled to relief.

Count VI

**Violation of Article I, Section 6-A of the Maine Constitution
(5 M.R.S. § 4682 – Procedural Due Process)**

72. Plaintiff hereby repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.

73. Defendants' conduct of issuing a Criminal Trespass Notice forbidding him from entering all RSU22 buildings and grounds until December 31, 2022 due to his constitutionally

protected petitioning activity is unconstitutional and violates his rights to due process under Article I, Section 6-A of the Maine Constitution.

74. Defendants' conduct of enforcing the Criminal Trespass Notice is unconstitutional and violates his due process rights under Article I, Section 6-A of the Maine Constitution.

75. Further, the lack of administrative review process cannot provide any possible meaningful relief.

76. Plaintiff has been injured, or reasonably fears imminent injury, by these constitutional violations, and Plaintiff is entitled to relief.

Count VII

Violation of the Fourteenth Amendment to the United States Constitution

(42 U.S.C. 1983 – Equal Protection Clause)

77. Plaintiff hereby repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.

78. Defendants' conduct of issuing and enforcing a Criminal Trespass Notice forbidding him from entering all RSU22 buildings and grounds until December 31, 2022 due to his constitutionally protected petitioning activity is preventing Plaintiff from expressing his messages based on their content and viewpoint, in direct contrast to similarly situated persons.

79. Plaintiff has been injured, or reasonably fears imminent injury, by these constitutional violations, and Plaintiff is entitled to relief.

Count VIII

Violation of Article I, Section 6-A of the Maine Constitution

(5 M.R.S. § 4682 – Equal Protection of the Laws)

80. Plaintiff hereby repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.

81. Defendants' conduct of issuing and enforcing a Criminal Trespass Notice forbidding him from entering all RSU22 buildings and grounds until December 31, 2022 due to his constitutionally protected petitioning activity is preventing Plaintiff from expressing his messages based on their content and viewpoint, in direct contrast to similarly situated persons.

82. Plaintiff has been injured, or reasonably fears imminent injury, by these constitutional violations, and Plaintiff is entitled to relief.

REQUESTS FOR RELIEF

WHEREFORE, Plaintiff Shawn McBreaity asks this Court to issue and or award:

A. A declaration that the Criminal Trespass Notice issued by Defendants is unconstitutional under the First and Fourteenth Amendments of the United States Constitution, and Article I, Sections 4, 6-A, & 15 of the Maine Constitution;

B. A declaration that Defendants' actions in enforcing the Criminal Trespass Notice is unconstitutional under the First and Fourteenth Amendments of the United States Constitution, and Article I, Sections 4, 6-A, and & 15 of the Maine Constitution;

C. A preliminary and permanent injunction enjoining each Defendant from interfering with Plaintiff's right to lawfully engage in constitutionally protected expression and activity within Hampden, Maine.

D. Damages in an amount to be determined at trial;

E. An award of attorneys' fees and expenses under 42 U.S.C. § 1988 and 5 M.R.S. § 4683;

F. Any further relief the Court deems appropriate.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by Jury on all causes of action.

Dated: July 8, 2022.

/s/ Brett D. Baber

Brett D. Baber, Bar No. 3143
Lanham Blackwell & Baber, PA
133 Broadway
Bangor, ME 04401
Tel: (207) 942-2898
Email: bbaber@lanhamblackwell.com

Respectfully Submitted,

Marc J. Randazza (*pro hac vice* forthcoming)
Lead Counsel
Robert J. Morris II (*pro hac vice* forthcoming)
RANDAZZA LEGAL GROUP, PLLC
30 Western Avenue
Gloucester, MA 01930
Tel: (702) 420-2001
Email: ecf@randazza.com

Attorneys for Plaintiff,
Shawn McBrearty

RANDAZZA | LEGAL GROUP

VERIFICATION OF COMPLAINT

I, Shawn McBreairty, am the Plaintiff in the above-captioned matter. I have reviewed the foregoing allegations in this Verified Complaint, and I hereby declare under penalty of perjury that the foregoing allegations are true and correct to the best of my knowledge and understanding.

Dated: 07 / 07 / 2022

By: 
Shawn McBreairty